THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 7104 of 1997

DATE: 05-02-2007

Between :

Konakallu Nagabhushanam

... Petitioner

And

The Union of India,
rep., by its Secretary, Law Department,
New Delhi and 4 others.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 7104 of 1997

ORDER:

It is represented by the learned counsel for both the parties that the issue involved in this writ petition is squarely covered by a decision of Division Bench of this Court, dated 29-10-1997, in W.P.No. 7337 of 1992 and batch holding as under:

> *"Issue of writ of Mandamus is sought for, but this Court in its prerogative power do not issue such a Mandamus unless there is a wrong action or inaction. In the instant case, it can neither be said that there is a wrong action nor inaction for the reason that the petitioners have never apprised the Governor the need to consider and delete the named villages from the ambit of scheduled areas. For that reason, these writ petitions are dismissed, as premature, as being without cause of action. If the petitioners so wish, they may make representation to the Governor with all relevant material and this Court hopes and trusts that the Governor will look into that representation along with the relevant material which may be submitted along with the representation and then take a decision accordingly, either to report to the president or not, with regard to the plea of the petitioners for deletion of the named villages from the purview of the scheduled area. The petitioners may avail of one month's period from the date of receipt of a copy of this order for making such representation and having regard to the fact that there is unrest in the areas concerned and also law and order problem, the representation may be considered by the Governor as expeditiously as possible and preferably within a period of four months from*

the date of submission of such a representation. All interim orders hitherto granted stand vacated.

At this juncture, Mr.K.Pratap Reddy, the learned counsel expressed his apprehensions that non-tribals wills be harassed because of the vacating of the interim orders already granted by this Court. To allay such apprehensions, we make it clear that the statutory authorities dealing with either civil or criminal jurisdiction, will discharge their functions strictly in accordance with legal provisions governing the situation and principles of fair-play, not being over-awed or overjealous by any consideration either tilting towards tribal or non-tribal, but in a balanced and fair manner. No costs."

Accordingly, the writ petition is disposed of in terms of the observations made by the Division Bench in the above decision. No costs.

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G. ROHINI,J.

Dt. 05-02-2007
KLP